

ASSIGNMENT

WHEREAS, Mary E. Zwagerman, residing at 6937 Riley Street Zeeland, MI 49464 USA, (hereinafter referred to as Assignor) has discovered the subject matter disclosed in the United States Plant Patent Application # 10,735,102, File Date 12/12/2003, entitled HOSTA PLANT NAMED 'FIREWORKS".

WHEREAS, Walters Gardens, Inc., a corporation of Michigan, USA, having a place of business at 1992 – 96th Avenue, Zeeland, MI 49464-0137 (hereinafter referred to as Assignee) is desirous of acquiring the entire right, title and interest in and to any invention arising from said plant, and to any Letters Patent that may be granted therefore in the United States and in any and all foreign countries.

WHEREAS, Mary E. Zwagerman discovered the said plant while an employee of the said Assignee, and employment policy requires any discovery made as an employee to be assigned to Assignee.

NOW, THEREFORE, in consideration of the sum of one dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable considerations, Assignor hereby sells, assigns, and transfers unto said Assignee the full and exclusive right, title and interest to any inventions arising from the disclosed subject matter in the United States and in any and all foreign countries and to any Letters Patent or Breeders' Rights that may be granted therefore in the United States and in any and all foreign countries and in and to any and all divisions, reissues, continuations, continuations-in-part, and all subsequently filed applications claiming priority thereon, as well as extensions thereof including full right to claim for any such application the benefits of the International Convention.

ASSIGNOR hereby authorizes and requests the United States Patent Office Officials and any and all foreign countries to issue any and all of said Letters Patent or

Breeders' Rights when granted, to said Assignee as the owner of the entire right, title and interest in and to the same, for the sole use and benefit of said Assignee, its successors and assigns.

FURTHER, Assignor agrees to communicate to said Assignee or its representatives any facts known to Assignor regarding said subject matter, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuation, continuation-in-part, substitution, renewal, and reissue applications, as well as all subsequently filed applications claiming priority thereon, execute all necessary assignment papers to cause any and all of said Letters Patent to be issued to said Assignee, make all rightful oaths and generally do everything possible to aid said Assignee, its successors and assigns, to obtain and enforce proper protection for any Patent and Breeders' Rights arising from said disclosed subject matter in the United States and any and all foreign countries.

IN TESTIMONY WHEREOF, to this and the previous page, I have hereunto set my hand on the date indicated below.

Mary E. Zwagerman

Mary E. Zwagerman

6937 Riley Street

Zeeland, MI 49464 USA

Jan. 27, 2005

Date

WITNESS:

Staci Immink

Name: Staci L. Immink

01/27/05

Date

Address: Walters Gardens, Inc., 1992 96th Avenue, Zeeland, MI 49464